

**3162. Adulteration and misbranding of wine. U.-S. v. 3 Barrels of Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5303. S. No. 1897.)**

On August 14, 1913, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels of wine, each containing 50 gallons of wine, remaining unsold in the original unbroken packages and in possession of J. Simon and Son, St. Louis, Mo., alleging that the product had been transported from the State of Ohio into the State of Missouri on or about July 19, 1913, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Scuppernong Type Wine Ohio Product J. Simon and Son St. Louis, Mo. 9190 Vandalia East St. Louis 23."

Adulteration of the product was alleged in the libel for the reason that it was not Scuppernong wine, as the label stated and indicated, but, on the contrary thereof, a substance consisting wholly or in part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a certain substance consisting wholly or in large part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine had been substituted wholly or in part for Scuppernong wine. Misbranding was alleged for the reason that the product consisted wholly or in large part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine and contained practically no Scuppernong wine; and, further, in that said product was an imitation of and offered for sale under the distinctive name of another article, to wit, Scuppernong wine; and further, in that the labels on the barrels, to wit, "Scuppernong Type Wine," would deceive and mislead the purchaser thereof into the belief that the product was Scuppernong wine, whereas, in truth and in fact, it was not Scuppernong wine but was a mixture of other wines; and, further, in that said labels on the barrels, to wit, "Scuppernong Type Wine," were descriptive of the substance contained in the barrels and were false and misleading, in that said product was not Scuppernong wine.

On October 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding, among other things, that the product had been shipped in interstate commerce by the A. Schmidt, Jr., & Bros. Wine Co., Sandusky, Ohio. Destruction of the product was ordered by the court.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

**3163. Misbranding of wine. U. S. v. 66 Bottles, More or Less, of Wine. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5304. S. No. 1903.)**

On August 14, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 66 bottles, more or less, of so-called "Extra Dry Champion," packed in 2 barrels, remaining unsold in the original unbroken packages and upon the premises of Marco Bros., Chicago, Ill., alleging that the product had been shipped on June 30, 1913, by The Nectar Co., New York, N. Y., and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Extra Dry Champion. Guaranteed by us to meet the requirements of

the Pure Food Law. Serial No. 26497. The Nectar Co., Sole Agents for U. S. and Canada." "Champion Extra Dry." "Extra Dry." The label on the bottles also contained a pictorial representation of a seal or coat of arms.

Misbranding of the product was alleged in the libel for the reason that each of the bottles was labeled as set forth above, which said statement upon the label on each of the bottles and the statements, designs, and devices upon the labels aforesaid attached to each of the bottles were false and misleading in that the labels purported to state that the article of food was a champagne, whereas, in truth and in fact, the product, to wit, the wine called "Extra Dry Champion," was not a champagne but an artificially carbonated product. Misbranding was alleged for the further reason that the statements, designs, and devices upon the labels aforesaid misled and deceived the purchaser into the belief that the article of food was a champagne, whereas, in truth and in fact, the article, to wit, the wine called "Extra Dry Champion," was not a champagne but was an artificially carbonated product. Misbranding was alleged for the further reason that the statements, designs, and devices upon the labels attached to each of the bottles were false and misleading, in that said labels purported to state that the article of food was a champagne, whereas, in truth and in fact, the article, to wit, the wine called "Extra Dry Champion," was not a champagne but was an artificially carbonated product, and was an imitation wine or beverage known as champagne.

On October 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after the removal of all labels appearing thereon, and the placing on each of the bottles, in lieu of the labels so removed, a label bearing the words "Artificially Carbonated Wine" and no other words.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

**3164. Adulteration and misbranding of wine. U. S. v. 13 Cases of Wine. Default decree of forfeiture, condemnation, and destruction. (F. & D. No. 5305. S. No. 1899.)**

On August 15, 1913, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 cases, each containing 12 bottles of wine, remaining unsold in the original unbroken packages and in possession of the Rendlen Liquor Co., Hannibal, Mo., alleging that the product had been shipped on or about April 11, 1913, and transported from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Scuppernong Bouquet Delaware Scuppernong Blend." (On bottles) "Scuppernong Bouquet Wine—Delaware and Scuppernong Blend ameliorated with sugar solution (Trade-mark registered) The Sweet Valley Wine Co., Sandusky, Ohio." (Neck label) "Serial No. 124 Guaranteed by The Sweet Valley Wine Co. Serial No. 124—Under the Food and Drugs Act June 30, 1906."

Adulteration of the product was alleged in the libel for the reason that it was not Scuppernong wine as said labels state and indicaté, but, on the contrary thereof, a substance consisting wholly or in part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a certain substance, consisting wholly or in large part of a mixture or base of wines,